

Turner, J.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALASKA ELECTRICAL PENSION FUND,
on Behalf of Itself and All Others Similarly
Situating,

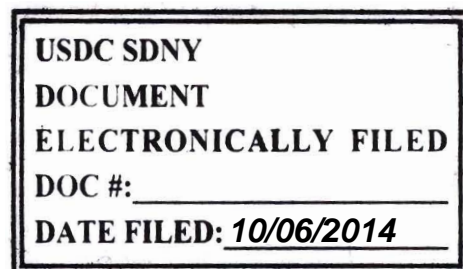
Plaintiff,

vs.

BANK OF AMERICA CORP., *et al.*,

Defendants.

No. 14-cv-7126 (JMF)



THE COUNTY OF BEAVER, on Behalf of
Itself and All Others Similarly Situated,

Plaintiff,

vs.

BANK OF AMERICA CORP., *et al.*,

Defendants.

No. 14-cv-7907 (JMF)

**STIPULATION AND ~~PROPOSED~~ ORDER REGARDING
SERVICE AND SUBSTITUTION OF PARTY**

WHEREAS, on September 4th, 2014, plaintiff Alaska Electrical Pension Fund (“Alaska Electrical”) filed a complaint (the “*Alaska Electrical* Complaint”) in one of the above-captioned actions (the “*Alaska Electrical* Action”) against certain defendants (the “*Alaska Electrical* Defendants”);

WHEREAS, on September 30, 2014, plaintiff The County of Beaver (“Beaver County,” and together with Alaska Electrical, “Plaintiffs”) filed a complaint (the “*Beaver County* Complaint,” and together with the *Alaska Electrical* Complaint, the “Complaints”) in one of the above-captioned actions (the “*Beaver County* Action,” and together with the *Alaska Electrical*

Action, the “Related Actions”) against certain defendants (the “*Beaver County* Defendants” and, together with the *Alaska Electrical* Defendants, “Defendants”); and

WHEREAS, both Complaints name as a Defendant ICAP plc; and

WHEREAS, counsel for Plaintiffs and counsel for ICAP Capital Markets LLC (“ICAP Capital”) have conferred and have agreed to substitute ICAP Capital as a Defendant in place of ICAP plc in both of the Related Actions;

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and among Plaintiffs and ICAP Capital, by their respective counsel of record, as follows:

1. Plaintiffs hereby voluntarily dismiss without prejudice ICAP plc as a Defendant in both of the Related Actions pursuant to Fed. R. Civ. P. 41(a).
2. ICAP Capital is hereby substituted, *nunc pro tunc*, for ICAP plc in both of the Related Actions. The captions of both Related Actions shall be amended to reflect this substitution.
3. Undersigned counsel for ICAP Capital agrees to accept service of process on behalf of ICAP Capital.
4. Except as explicitly provided herein, this stipulation in no way constitutes any prejudice to or waiver of any defense by any Defendant, including ICAP plc, in the Related Actions, including without limitation, service or defenses based upon lack of personal jurisdiction. The executing, agreeing to, joining, or filing this Stipulation by counsel for ICAP Capital does not constitute an appearance on behalf of ICAP plc.

IT IS SO STIPULATED.

DATED: October 3, 2014

QUINN EMANUEL URQUHART
& SULLIVAN, LLP

A handwritten signature in blue ink, appearing to read "Dan Brockett /JR", is written over a horizontal line.

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DATED: October 3, 2014

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Attorneys for ICAP Capital Markets LLC

IT IS SO ORDERED.

DATED: October 6, 2014



THE HONORABLE JESSE M. FURMAN
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF NEW YORK